

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

CASE NO.:

ALAN MAJCHROWICZ,

Plaintiff,

v.

HOGENSON LEADERSHIP INSTITUTE,

Defendant.

COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)

Plaintiff ALAN MAJCHROWICZ by and through his undersigned counsel, brings this Complaint against Defendant HOGENSON LEADERSHIP INSTITUTE for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff ALAN MAJCHROWICZ (“Majchrowicz”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Majchrowicz’ original copyrighted Work of authorship.

2. Majchrowicz found his lifelong passion for nature growing up in Northern Wisconsin. After acquiring his first camera in high school he became enthralled with all aspects of the photographic process. All his outdoor activities, such as hiking backpacking, and skiing, are seamlessly blending into his photographic art. After photographing and honing his skills for many years with demanding large-format film cameras, Alan now works exclusively in digital format. His fine art prints are currently in high demand by interior designers and corporate art buyers for their use in health care facilities, hospitality, corporate offices, and residential venues.

3. In addition, his images have been widely published throughout the world. They have been used in advertising campaigns, product design, tourism brochures, books, magazines, and calendars for companies such as National Geographic, Apple Computer, Patagonia, Lonely Planet, BBC Travel, Rand McNally, and many more.

4. Defendant HOGENSON LEADERSHIP INSTITUTE (“Hogenson”) is a Minnesota Non-Profit Charitable Organization and was formed in September 2018. At all times relevant herein, Hogenson owned and operated the internet website located at the URL <https://www.hogensonleadershipinstitute.com/> (the “Website”).

5. Majchrowicz alleges that Hogenson copied his copyrighted Work from the internet in order to advertise, market and promote its business activities. Hogenson committed the violations alleged in the course and scope of Hogenson’s business.

JURISDICTION AND VENUE

6. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

7. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

8. Defendant is subject to personal jurisdiction in Minnesota.

9. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

DEFENDANT

10. Hogenson Leadership Institute is a Minnesota Non-Profit Corporation, with its principal place of business at 849 Mill Street E Wayzata Minnesota 55391, and can be served by serving its Registered Agent, Steven R. Bohl, at the same address or whenever he may be found.

THE COPYRIGHTED WORK AT ISSUE

11. In 2019, Majchrowicz created the photograph “am_190916_67724” which is shown below and referred to herein as the “Work”.



12. At the time Majchrowicz created the Work, he applied copyright management information to the Work consisting of the words “© ALAN MAJCHROWICZ PHOTOGRAPHY Distinctive Landscape Nature & Travel Image” to the bottom left corner, as can be seen in part here:



13. Majchrowicz registered the Work with the Register of Copyrights on October 14, 2022 and was assigned the registration number VA 2-324-638. The Certificate of Registration is attached hereto as **Exhibit 1**.

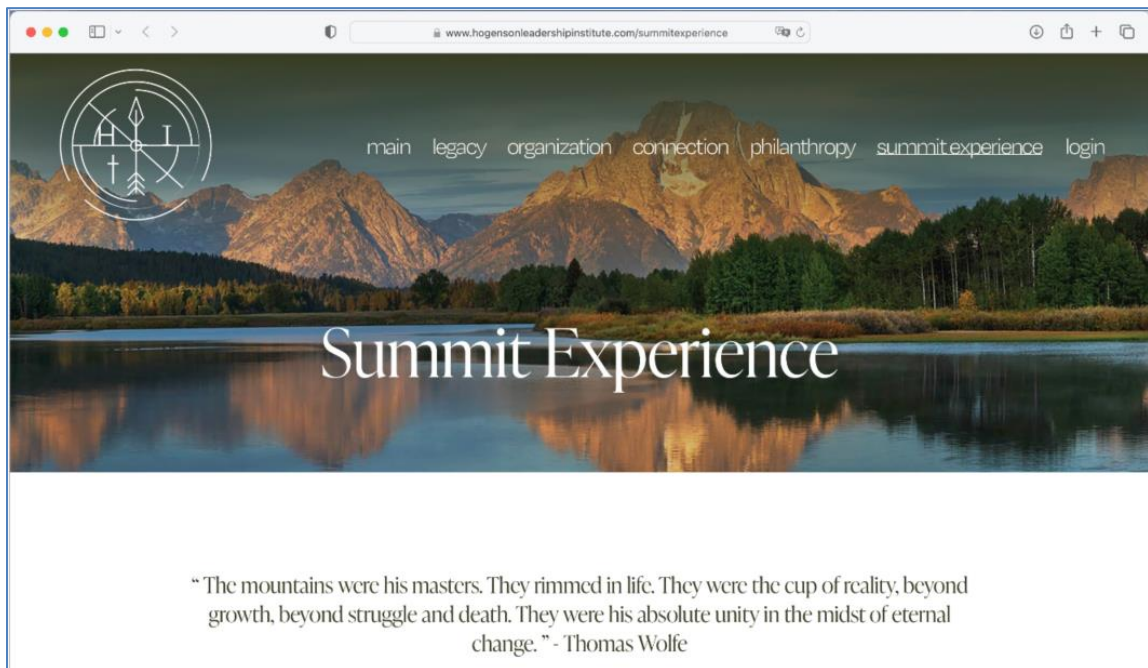
14. Majchrowicz's Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets. The Work in perspective, orientation, positioning, lighting, and other details is entirely original and creative. As such, the Work qualifies as subject matter protectable under the Copyright Act.

15. At all relevant times Majchrowicz was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY DEFENDANT

16. Hogenson has never been licensed to use the Work at issue in this action for any purpose.

17. Sometime around 2022, Hogenson accessed the Work, reproduced and edited copy of the Work on its server, and displayed that altered copy of the Work publicly on its Website as shown in part here:



18. Majchrowicz's copyright management information remained visible on the unauthorized copy of the Work stored by Hogenson on its server.

19. Hogenson committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 2**.

20. Majchrowicz never gave Hogenson permission or authority to copy, distribute or display the Work at issue in this case.

COUNT I
COPYRIGHT INFRINGEMENT

21. Majchrowicz incorporates the allegations of paragraphs 1 through 20 of this Complaint as if fully set forth herein.

22. Majchrowicz owns a valid copyright in the Work at issue in this case.

23. Majchrowicz registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

24. Hogenson copied, displayed, and distributed the Work at issue in this case without Majchrowicz authorization in violation of 17 U.S.C. § 501.

25. Hogenson performed the acts alleged in the course and scope of its business activities.

26. As Hogenson knew or should have known that the Work was protected by copyright prior to its unauthorized use, its acts were willful.

27. Majchrowicz has been damaged.

28. The harm caused to Majchrowicz has been irreparable.

WHEREFORE, Plaintiff Alan Majchrowicz prays for judgment against Defendant Hogenson Leadership Institute that:

a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Defendant be required to pay Plaintiff his actual damages and Hogenson's profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. § 504;

c. Plaintiff be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;

d. Plaintiff be awarded pre- and post-judgment interest; and

e. Plaintiff be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: January 30, 2024

Respectfully submitted,

/s/ Nathan M. Hansen

NATHAN M. HANSEN

MN Attorney ID: 0328017

nathan@hansenlawoffice.com

HANSEN LAW OFFICE

P.O. Box 575

Willernie, MN 55090

651.704.9600 – Telephone

EVAN A. ANDERSEN

evan.andersen@sriplaw.com

SRIPLAW, P.A.

3355 Lenox Road NE

Suite 750

Atlanta, GA 30326

470.598.0800 – Telephone

561.404.4353 – Facsimile

(pending admission Pro Hac Vice)

Counsel for Plaintiff Alan Majchrowicz